



Court Grants Preliminary Approval to Settlement in Landmark Hepatitis C Case

Jan. 14, 2020
For immediate release

Contact:

Chrysti Shain, (803) 413-8206
Shain.Chrysti@doc.sc.gov

Mimi Ramirez
202-800-3001
mramirez@gbblegal.com

COLUMBIA, S.C. – A federal court has granted preliminary approval to a class action settlement that will require the S.C. Department of Corrections to test for and treat inmates who have chronic Hepatitis C.

Earlier this year, the court entered an order approving a partial settlement requiring SCDC to initiate a program to test inmates for Hepatitis C.

“This is a major step toward eliminating a point source for Hepatitis C,” said class counsel Reuben Guttman of Guttman, Buschner & Brooks. “At a time when the rule of law is being challenged and the rights of the voiceless are in question, this case is a paradigm for how our rule of law is open to protecting everyone without regard to their place in life.”

The department started mass testing and treatment for Hepatitis C several months after the suit was filed in 2018 and has completed the process for 13,432 current and former inmates. The testing is voluntary, and some declined testing and treatment.

Of those tested, 1,389 are positive for chronic Hepatitis C. Testing for all of SCDC’s 18,125 inmates is on schedule to be completed by June 2020.

“Our goal is to provide a safe environment and sound medical treatment for all inmates, and this settlement is a big step toward accomplishing that goal,” said Bryan Stirling, Director of the S.C. Department of Corrections. “We know that about 85 percent of inmates return to society within five years, and this will save medical treatment costs for taxpayers in the long run.”

The proposed settlement takes the form of a consent decree. If it receives final approval, the court will retain jurisdiction to enforce compliance.

“This settlement is an example of what can happen when lawyers come to the table with a common objective – to give inmates the treatment they deserve as people,” said co-class counsel, Christopher Bryant of Perkins Coie.

The department received \$10 million in its 2019-2020 budget for testing and treatment of Hepatitis C, which includes funding for staffing, drugs, equipment and other expenses. Treatment costs for the first quarter of 2020 is expected to be \$447,326.

“We are grateful to Gov. McMaster and the General Assembly for funding this public health initiative and the S.C. Department of Health and Human Services, DHEC and USC for their support in testing and treating this highly communicable disease,” Stirling said.

The specific details of the settlement are contained in the agreement filed with the court. Notice will be provided to the class, and the parties expect the court to set a fairness hearing for final approval of the consent decree.

GBB counsel working on the case included Liz Shofner, Caroline Poplin, Nancy Gertner and Paul Zwier.

South Carolina counsel includes James Griffin of Griffin Davis Law Firm.

GBB is a nationally recognized boutique complex litigation law firm. In the healthcare area alone, it has represented whistleblowers under the False Claims Act in cases that have returned more than \$5.5 billion to government treasuries. More information about the firm and its members can be found at gbblegal.com.